

From: Bernard Dennler <BDennler@colchesterct.gov>

Sent: Monday, June 3, 2024 4:58 PM

To: Board of Selectmen <Boardofselectman@colchesterct.gov>

Cc: Taryn Scott <tscott@colchesterct.gov>; Scott Chapman <schapman@colchesterct.gov>; Alexander Oliphant <aoliphant@colchesterct.org>; Daniel Sullivan <dsullivan@colchesterct.org>

Subject: Fwd: 2024 Attorney-Client Privileged Memorandum to BOS regarding Cooperative Purchasing

Good afternoon,

The Board of Education has received state funding for two projects - carpet replacement at Bacon Academy and replacement of the HVAC at Bacon. The HVAC project is the result of the grant our Board supported at our Board of Selectmen meeting in December!

As the BOE informed us at the time, they intend to utilize cooperative purchasing to secure vendors for the HVAC project as well as the carpet project. However, recent scrutiny of the Town's purchasing policy and competitive bidding practices has shown incongruities within the purchasing policy and with state law.

Before authorizing these projects, we should consider an amendment to the Competitive Bidding Policy to incorporate the language recommended by Shipman and Goodwin. Please see the attached memorandum.

I would like to see the attached language voted upon at the next Board of Selectmen meeting so that the Board of Finance and Board of Education may vote this month as well. The BOE hopes to secure its contractors before the end of the month. The carpet project could potentially happen this summer in time for the school year if we act now.

I would like each Board to also assign members to a working group for a more comprehensive review of our purchasing policy. This language is a band-aid for a time-sensitive situation to ensure we are in compliance but the whole policy is overdue for a revision.

Thank you
Bernie

Bernie Dennler
First Selectman

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“Colchester, Connecticut: Where tradition meets tomorrow.”



MEMORANDUM

TO: Town of Colchester Board of Selectmen
FROM: Matt Ritter, Shipman & Goodwin LLP
DATE: June 4, 2024
RE: Bidding Policy

The Colchester Board of Education (the “Board”) asked for advice from Shipman & Goodwin LLP (the “Firm” or “Shipman”) about whether it can use a preferred vendor list maintained by a Regional Education Service Center (“RESC”). The RESC provides a list of preferred vendors for municipalities and boards of education to use, with the goal of providing lower prices for the services and/or goods provided. The Board asked whether the use of the preferred vendors through a RESC complies with the purchasing policy of the Town of Colchester (the “Town”).

Section A.12. of the Town and BOE Purchasing Policy states that whenever there is a contract with an anticipated value of \$7,500 or more, the Board **shall use** the Request for Proposal/Competitive Bid process. However, Section A.9. of the same Policy provides that “[t]he Purchasing Agent is authorized to employ all methods of soliciting goods or services, including but not limited to, cooperative purchasing, on-line auctions, reverse auctions and all other methods as allowed by applicable authority.”

In order to clarify the inconsistencies contained in Sections A.12. and A.9., we recommend the addition of the suggested language below to clarify how Sections A.9 and A.12 are intended to work together. With the revised Policy language in place, the Board’s plan to use the preferred vendor list would be permitted.

Suggested Amendment to Section A.12:

D. ALLOWANCE FOR USE OF PREFERRED STATE VENDORS AND OTHER METHODS OF SOLICITING GOODS OR SERVICES

Notwithstanding the requirements of Section 12a. herein, the Purchasing Agent is authorized to employ all methods of soliciting goods or services, including but not limited to, cooperative purchasing, on-line auctions, reverse auctions and all other methods as allowed by applicable authority. Notwithstanding anything contained herein to the contrary, the Purchase Agent is further authorized to use any preferred vendor list maintained by the State of Connecticut or by a Regional Education Service Center.